UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,212	03/03/2005	Carolina Adriana Pijper	PTT-145/APP	7499

7265 7590 05/12/2009

MICHAELSON & ASSOCIATES
P.O. BOX 8489
RED BANK, NJ 07701-8489

EXAMINER	
LEWIS, JONATHAN V	

ART UNIT	PAPER NUMBER
2425	

MAIL DATE	DELIVERY MODE
05/12/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/526,212	PIJPER, CAROLINA ADRIANA	
	Examiner	Art Unit	
	JONATHAN LEWIS	2425	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 February 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *15,20-22 and 26-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *15,20-22 and 26-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *03 March 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 21, 26, 29, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zigmond et al. (US Pat. No. 6,330,719) in view of Goodman et al. (US Pat. No. 6,427,238) in further view of Stettner (US Pat. No. 7,194,511).

Regarding claim 26, Zigmond et al. teaches a method for implementing a broadcast television program with interactive participation of a plurality of participants, each of the participants viewing and interacting with the broadcast television program through an interactive client application executing on a corresponding one of a plurality of participant devices, all of the participant devices being capable of connecting, via a communications network, to a system that directs an interactive part of a broadcast show (Abstract; Figs. 5A & 5B; col. 8, line 40 - col. 9, line 29), the method comprising the steps of: registering at a given time in advance of the broadcast of the television program, via the network and through the system, each participant as a potential participant interested in interacting with the broadcast television program (col. 8, line 40 - col. 9, line 29).

Zigmond et al. teaches all the claim limitations as stated above, except after said registering step, downloading, from the system and through connections established

over the network, a first part of the interactive client application, during a time window dictated by the system, to all of the participant devices, the time window starting after the given time but expiring at a predefined time prior to broadcast of the television program, the time window having a given width sufficient to minimize simultaneous downloading of the client application by a plurality of the participant devices.

However, Goodman et al. teaches after said registering step, downloading, from the system and through connections established over the network, a first part of the interactive client application, during a time window dictated by the system, to all of the participant devices, the time window starting after the given time but expiring at a predefined time prior to broadcast of the television program, the time window having a given width sufficient to minimize simultaneous downloading of the client application by a plurality of the participant devices (col. 1, line 66—col. 2, line 17; col. 6, lines 34-44).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to download portions of interactive client applications during a specific time, in order to conserve memory in set top boxes, providing fast and efficient processing, while also maximizing network resources by sending only required application data to appropriate users.

Zigmond et al. in view of Goodman et al. teaches all the claim limitations as stated above, except starting and running the client application on each one of the participant devices parallel to and synchronized with the television program as the program is being broadcast but while said each one of the participant devices is not connected, via the network, to the system; during the broadcast of the television

program, registering input from each one of the participants on each corresponding one of the participant devices so as to define participant input; and during a corresponding one of a plurality of time-slots, re-establishing a network connection, by each one of the participant devices, to the system and submitting the participant input to the system, via the network, from said each one of the participant devices, the corresponding one time-slot being previously specified to said each one participant device and occurring during or after the broadcast of the television program.

However, Stettner teaches starting and running the client application on each one of the participant devices parallel to and synchronized with the television program as the program is being broadcast but while said each one of the participant devices is not connected, via the network, to the system (col. 5, line 59 – col. 6, line 12 discloses the disconnection of the user, but by alerting the user they can stay synchronized to the program); during the broadcast of the television program, registering input from each one of the participants on each corresponding one of the participant devices so as to define participant input (Abstract; Fig. 3); and during a corresponding one of a plurality of time-slots, re-establishing a network connection, by each one of the participant devices, to the system and submitting the participant input to the system, via the network, from said each one of the participant devices, the corresponding one time-slot being previously specified to said each one participant device and occurring during or after the broadcast of the television program (Fig. 3, 314; col. 9, lines 30-50).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to permit user interaction while disconnected from

the network and to reconnect and send the interactive input, in order to alleviate the long waits involved when users attempt to submit their interactive responses to interactive programming.

Regarding claim 21, Zigmond et al. in view of Goodman et al. in further view of Stettner teaches all the claim limitations as stated above, except the network comprises the Internet.

However, Stettner teaches the network comprises the Internet (col. 4, lines 9-11).

System claims 29, 31 are rejected for the same reasons as stated above in the corresponding method claim.

Claims 15, 20, 22, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zigmond et al. (US Pat. No. 6,330,719) in view of Goodman et al. (US Pat. No. 6,427,238) in further view of Stettner (US Pat. No. 7,194,511) in further view of Gresh et al. (WO 01/39506 A2).

Regarding claim 15, Zigmond et al. in view of Goodman et al. in further view of Stettner teaches all the claim limitations as stated above, except collecting and analyzing, through the system, participant input registered in each one of the participant devices so as to yield analyzed results; and delivering the analyzed results from the system, via the network, back to each one of the participants through the corresponding one of the participant devices and the client application executing thereat.

However, Gresh et al. teaches collecting and analyzing, through the system, participant input registered in each one of the participant devices so as to yield analyzed results (page 8, lines 15-22 discloses the collection and analyzing, the scoring results);

and delivering the analyzed results from the system, via the network, back to each one of the participants through the corresponding one of the participant devices and the client application executing thereat (page 12, lines 5-10).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to collect and analyze input deliver analyzed scoring results to the participants, in order to fully integrate the coordinated user experience, thereby increasing creative programming possibilities and developing robust on-line/on-air communities.

Regarding claim 20, Zigmond et al. in view of Goodman et al. in further view of Stettner teaches all the claim limitations as stated above, except the interactive client application is downloaded from an Internet site associated with the broadcast television program.

However, Gresh et al. teaches the interactive client application is downloaded from an Internet site associated with the broadcast television program (page 20, lines 10-11).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to download the interactive client application associated with the broadcast television program from a website, in order to fully integrate the coordinated user experience, thereby increasing creative programming possibilities and developing robust on-line/on-air communities.

Regarding claim 22, Zigmond et al. in view of Goodman et al. in further view of Stettner teaches all the claim limitations as stated above, except the broadcast television program is a television game show.

However, Gresh et al. teaches the broadcast television program is a television game show (page 1, lines 21-22).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to broadcast an interactive game show, in order to fully integrate the coordinated user experience, thereby increasing creative programming possibilities and developing robust on-line/on-air communities.

System claim 30 is rejected for the same reasons as stated above in the corresponding method claim.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zigmond et al. (US Pat. No. 6,330,719) in view of Goodman et al. (US Pat. No. 6,427,238) in further view of Stettner (US Pat. No. 7,194,511) in further view of Houghton (US PG Pub. No. 2002/0124247).

Regarding claim 27, Zigmond et al. in view of Goodman et al. in further view of Stettner teaches all the claim limitations as stated above, except after the time window expires but before broadcast of the television program starts: logging on by and validating all of the participants by the system; and downloading, by the system and in response to the logging on and validating step, a second part of the interactive client application to all of the participant devices, the second part comprising synchronization

information for synchronizing execution of the client application, associated with each of the participant devices, with the television program as the program is being broadcast.

However, Houghton teaches after the time window expires but before broadcast of the television program starts: logging on by and validating all of the participants by the system (page 7, 0074); and downloading, by the system and in response to the logging on and validating step, a second part of the interactive client application to all of the participant devices, the second part comprising synchronization information for synchronizing execution of the client application, associated with each of the participant devices, with the television program as the program is being broadcast (page 7, 0075).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to validate a login before downloading a second portion of an interactive application, in order to ensure only authorized users are able to participate in a customizable, interactive environment, which adds value to the services provided, by way of exclusivity, ensuring the service provider maintains a competitive advantage in the market.

Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zigmond et al. (US Pat. No. 6,330,719) in view of Goodman et al. (US Pat. No. 6,427,238) in further view of Stettner (US Pat. No. 7,194,511) in further view of Houghton (US PG Pub. No. 2002/0124247) in further view of Boland et al. (US Pat. No. 4,484,218).

Regarding claim 28, Zigmond et al. in view of Goodman et al. in further view of Stettner teaches all the claim limitations as stated above, except the second part of the

interactive client application, for said one of the participant devices, also specifies the corresponding one time-slot during which said one of the participant devices submits its associated participant input, via the network, to the system.

However, Boland et al. teaches the second part of the interactive client application, for said one of the participant devices, also specifies the corresponding one time-slot during which said one of the participant devices submits its associated participant input, via the network, to the system (col. 4, lines 21-26).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to have a time slot for submitting participant input, in order to avoid congestion within the network by staggering the input of multiple participants.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Lett US Pat. No. 5,539,822

b. Freeman et al. US PG Pub. No. 2004/02621127

c. Bruckner et al. US PG Pub. No. 2002/0162115

d. Palazzi, III et al. US Pat. No. 5,327,554

e. Zdepski US PG Pub. No. 2002/0194620

f. Leak US Pat. No. 7,174,562

g. Shusman US PG Pub. No. 2003/0196206

h. Schuchman et al. US Pat. No. 5,640,453

i. Dureau US Pat. No. 6,513,160

j. Cristofalo US Pat. No. 2002/0166119

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JONATHAN LEWIS whose telephone number is (571)270-3233. The examiner can normally be reached on Mon - Fri 7:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on (571) 272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brian T. Pendleton/
Supervisory Patent Examiner, Art Unit 2425